IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12560 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

TARABEN RAMPRASAD KALIDAS KAHAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12560 of 2002

MS SUBHADRA G PATEL for Petitioner No. 1

MS NANDINI JOSHI, AGP for Respondent No. 1-3

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 16/05/2003

ORAL JUDGEMENT

By filing this petition, the petitioner-detenu has challenged her detention order dated 25/10/02 by

which she is detained as a bootlegger under PASA. In the detention order, there is a reference about three criminal cases. All these three cases are under the Bombay Prohibition Act. The petitioner is a lady detenu and it is alleged that she is illegally transporting illicit liquor. On behalf of the petitioner it is argued that there is a delay in deciding representation. It is submitted that the petitioner made a representation on 13/11/02 and that the petitioner informed about the outcome of the said representation on 28/11/02.

It is required to be noted that the State has not filed affidavit in reply controverting the averments of the petitioner as regards the delay in deciding the representation. The petition is accordingly allowed only on this limited ground, as regards delay in deciding the representation and no explanation is given in this behalf by way of affidavit in reply.

The petition is accordingly allowed. The petitioner - Taraben Ramprasad Kalidas Kahar is ordered to be released forthwith, if she is not required in connection with any other case. Rule is accordingly made absolute.

(P. B. Majmudar, J.)

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